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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218606
Party	Defendant ADVICENT SOLUTIONS, LP
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Advisys, Inc.,)	
)	
Opposer,)	Opposition No. 91218606
)	
v.)	Application Nos. 86095760, 86095778, 86095782
)	
Advicent Solutions, LP,)	Marks: ADVICENT, ADVICENT SOLUTIONS,
)	ADVICENT SOFTWARE
Applicant.)	

ANSWER

Applicant answers the Notice of Opposition as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied.
5. Applicant is without sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 5 and therefore denies them.
6. Applicant admits that Advisys, Inc. is identified as the owner of U.S. Trademark Registration No. 2932906 for ADVISYS for “providing use of on-line non-downloadable computer software relating to financial services; computer consultation” in Class 42, which was granted on March 15, 2005; that the USPTO acknowledged a Section 15 declaration of incontestability for Registration No. 2932906; and that a TSDR record for Registration No. 2932906 was attached as Exhibit A to the Notice of Opposition. Applicant is without sufficient knowledge to form a belief as to the truth of the other allegations in Paragraph 6 and therefore denies them.

7. Applicant admits that Advisys, Inc. is identified as the owner of U.S. Trademark Registration No. 3620234 for ADVISYS for “web-based non-downloadable software platform for developing computer applications and web-based computer applications” in Class 42, which was granted on May 12, 2009, and Registration No. 3673760 for POWERED BY ADVISYS for “web-based non-downloadable software platform for developing computer applications and web-based computer applications; computer consultation” in Class 42, which was granted on August 25, 2009; that the USPTO acknowledged Section 15 declarations of incontestability for Registration Nos. 3620234 and 3673760; and that TSDR records for Registration Nos. 3620234 and 3673760 were attached as Exhibits B and C to the Notice of Opposition. Applicant is without sufficient knowledge to form a belief as to the truth of the other allegations in Paragraph 7 and therefore denies them.

8. Applicant is without sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 8 and therefore denies them.

9. Applicant is without sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 9 and therefore denies them.

10. Denied.

11. Applicant is without sufficient knowledge to form a belief as to the truth of the allegations in Paragraph 11 and therefore denies them.

12. Denied.

13. Denied.

14. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses:


1. There is no likelihood of confusion, mistake, or deception.
2. Opposer will not be damaged by the registration of Applicant's marks.
3. Applicant reserves the right to assert additional affirmative defenses if they become known.

Respectfully submitted,

ADVICENT SOLUTIONS, LP

By its Attorneys,

Date: December 10, 2014



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CERTIFICATE OF SERVICE AND MAILING

I hereby certify that on December 10, 2014, a true and correct copy of the foregoing Answer is being served upon Opposer's attorney via first class mail:

Allen C. Ostergar III
Ostergar Law Group PC
27101 Puerta Real, Suite 450
Mission Viejo, CA 92691

and that a copy of the same was filed electronically on the same date via ESTTA with the Trademark Trial and Appeal Board.

A handwritten signature in black ink, appearing to read 'Konkel', written over a horizontal line.

Laura M. Konkel